

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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BOU-MATIC, LLC,  
MADISON ONE HOLDINGS, LLC,  
KOTTS CAPITAL HOLDINGS,  
LIMITED PARTNERSHIP, and  
JOHN P. KOTTS,

Case No. 19-cv-158

Plaintiffs,

v.

MICHAEL A. MILLS,

Defendant.

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**DECLARATION OF STEVEN J. MITBY IN SUPPORT OF  
ITEMIZED STATEMENT OF COSTS AND EXPENSES**

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I, Steven J. Mitby, declare under penalty of perjury, as follows:

1. I am one of the attorneys for the defendant, Michael A. Mills, in the above-entitled action.
2. I am a partner at Seiler Mitby PLLC and have been a licensed attorney in Texas since 2002. I graduated summa cum laude from Harvard College in 1999 and with honors from Harvard Law School in 2002. For several years, I have been honored by my peers as a Texas Super Lawyer, the Best Lawyers in America, the Texas Lawbook and other peer reviewed publications. I specialize in complex commercial litigation and have significant experience in fiduciary and director/officer issues.
3. I have worked with and known Michael A. Mills for more than a decade and have represented him personally for more than two years.

4. I prepared to take the depositions of Lisa Mills, Ben Kern, John Kotts, and Jared Padget and provided assistance with respect to the depositions of Jerry Thain and Dallas Wilding.

5. I charge \$500 per hour for my services. From October 5 until October 11, 2019, I billed \$5,350 in time for preparation and other work related to the depositions that were cancelled by Plaintiffs in this action shortly before these depositions were scheduled to begin. These tasks included, for example, preparing for the depositions; reviewing emails, financials, and other documents for use as potential exhibits and topics of questioning; and discussing these issues with Mr. Mills.

6. These time entries include the following:

- October 5: Preparation for depositions of John Kotts, Lisa Mills, and Jared Padget and review of emails and documents related to these witnesses. 4.5 hours.
- October 6: Preparation for the depositions of Lisa Mills, Ben Kern, John Kotts, and Jared Padget. 2 hours.
- October 7: Conference with client about deposition strategy for Mills, Kotts, Kern, and Padget. 0.7 hours.
- October 8: Further preparation for Kotts and Mills depositions. 2 hours.
- October 9: Meet with client to discuss deposition strategy for Mills, Kotts, Kern, and Padget. 1 hour.
- October 11: Confer with client about deposition questions for Mills. 0.5 hours.

7. These charges do not include time spent evaluating and responding to Plaintiffs' motions for protection, which were filed on October 11, 2019. These charges also do not include time spent assisting with and preparing for the depositions of David Stockwell and Todd DeMonte. If I had included these charges, the costs would have been higher.

Dated this 1<sup>st</sup> day of November, 2019

*/s/ Steven J. Mitby*

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Steven J. Mitby